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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ROBERT SHEREZ,

Plaintiff,

vs.

STATE OF HAWAI`I, DEPARTMENT
OF EDUCATION; PATRICIA
HAMAMOTO, Superintendent of
Hawai`i Schools; MEREDITH
MAEDA, Principal, Castle High
School; SARAH GRONNER or
GRONNA, Vice Principal of Castle
High School,

Defendants.

CIVIL NO. 04-00390 JMS/KSC

DEFENDANT STATE OF HAWAI`I,
DEPARTMENT OF EDUCATION'S
PROPOSED SPECIAL VERDICT
FORM; CERTIFICATE OF SERVICE

Trial: March 28, 2007
Judge: Hon. J. Michael Seabright

**DEFENDANT STATE OF HAWAII, DEPARTMENT OF
EDUCATION'S PROPOSED SPECIAL VERDICT FORM**

COMES NOW, Defendant STATE OF HAWAII, DEPARTMENT OF EDUCATION, and in their official capacities only, PATRICIA HAMAMOTO, MEREDITH MAEDA AND SARAH GRONNA (hereinafter referred to collectively as "Defendant DEPARTMENT OF EDUCATION" unless specifically referred to as "Defendant STATE OF HAWAII, DEPARTMENT OF EDUCATION" or "Defendant HAMAMOTO," "Defendant MAEDA" or "Defendant "GRONNA"), by and through their undersigned attorneys, pursuant to this Court's Second Amended Rule 16 Scheduling Order filed on February 22, 2007, hereby submits the following proposed special verdict questions.

Defendants request that the Court allow the jury to return only a special verdict on the attached Proposed Special Verdict Form.

DATED: Honolulu, Hawaii, March 13, 2007.

/s/ NELSON Y. NABETA
NELSON Y. NABETA
Deputy Attorney General

Attorney for Defendants

SPECIAL VERDICT FORM

In order to understand what issues are being submitted to the jury, you should read the entire Special Verdict Form before proceeding to answer. The jury must answer all of the questions, unless otherwise indicated. Answer the questions in numerical order. Follow all directions carefully. Each answer requires the agreement of all jurors. If you do not understand any of the questions or if you wish to communicate with the court on any other subject, you must do so in writing with the Courtroom Deputy.

PART A**1. CLAIM FOR VIOLATION OF TITLE IX, GENDER DISCRIMINATION**

Do you find by a preponderance of the evidence that Defendant State of Hawai`i, Department of Education, discriminated against Plaintiff Robert Sherez based solely on his sex by the enforcement of an official departmental policy and legally caused injury to him?

YES _____ NO _____

**2. CLAIM FOR VIOLATION OF TITLE IX,
DELIBERATE INDIFFERENCE**

Do you find by a preponderance of the evidence that Defendant State of Hawai`i, Department of Education, had actual knowledge that Plaintiff Robert Sherez was being discriminated against based on his sex by the enforcement of an official departmental policy and responded or failed to respond to that knowledge with deliberate indifference and legally caused injury to him?

YES _____ NO _____

3. CLAIM OF VIOLATION OF TITLE VII, GENDER DISCRIMINATION

Do you find by a preponderance of the evidence, that Defendant State of Hawai`i, Department of Education, discriminated against Plaintiff Robert Sherez based solely on his sex by the enforcement of an official departmental policy and legally caused injury to him?

YES _____

NO _____

4. CLAIM FOR VIOLATION OF TITLE VII, RETALIATION

Do you find by a preponderance of the evidence that Defendant State of Hawai`i, Department of Education, retaliated against Plaintiff Robert Sherez by terminating him from a teaching position at the McKinley Community School for Adults because he previously complained of sex discrimination and legally caused injury to him?

YES _____

NO _____

If you have answered “no” to all of the above questions, sign this verdict form, then call the courtroom clerk. However, if you had answered yes to any of the above questions, go to the next part “B.”

PART B

1. Taking into consideration the duty of Plaintiff Robert Sherez to exercise reasonable efforts to mitigate damages, how much would you award Plaintiff Robert Sherez to compensate him for actual injuries, physical and/or mental and/or emotional that were legally caused as a result of the conduct of Defendant State of Hawai`i, Department of Education?

\$ _____

Sign this verdict form, then call the courtroom clerk.

THE FOREPERSON OF THE JURY MUST COMPLETE THE FOLLOWING:

I declare under penalty of perjury that I am the foreperson of the jury, and
that the foregoing answers are the true and accurate answers of the jurors.

Executed at Honolulu, Hawai`i on this _____ day of _____, 2007.

JURY FOREPERSON